

EXHIBIT A

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19 Attorneys for Plaintiff
20 PETZILLA, INC.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 PETZILLA, INC. a Delaware corporation,
25 d/b/a Petzila,

26 Plaintiff,

27 v.

28 ANSER INNOVATION LLC, a Minnesota
limited liability company,

Defendant.

Case No. 14-cv-01354 EMC

**PLAINTIFF'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT ANSER
INNOVATION LLC [Nos. 1-20]**

Judge: Hon. Edward M. Chen
Courtroom: 5, 17th Floor

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PROPOUNDING PARTY: Plaintiff Petzilla, Inc.

RESPONDING PARTY: Defendant Anser Innovation, LLC.

SET NUMBER: One

Pursuant to the Order Granting in Part and Denying in Part Plaintiff's Motion for Leave to Take Jurisdictional Discovery (Dkt. No. 28) and Rule 34 of the Federal Rules of Civil Procedure, Plaintiff Petzilla, Inc. d/b/a Petzila ("Petzila") hereby requests that Anser Innovation LLC ("Anser") produce for inspection and copying each of the documents and tangible items described below at the offices of The Gikkas Law Firm, 530 Lytton Avenue, 2nd Floor, Palo Alto, CA 94301, or at such place as may be mutually agreed upon under oath, in writing, within the time specified by Rule 34(b)(2)(A) of the Federal Rules of Civil Procedure.

I. INSTRUCTIONS

The following instructions apply to each of the requests for documents set forth herein:

1. Please produce entire documents, including, but not limited to, attachments, enclosures, cover letters, memoranda and appendices.
2. Pursuant to the Federal Rules of Civil Procedure, these requests for documents shall be deemed continuous up to and following the trial of this proceeding such that any document or thing requested herein which is either discovered by you or comes within your possession, custody or control subsequent to your initial responses hereto, but prior to the final conclusion of this case, should be produced in a supplemental response to these Document Requests immediately upon its discovery or receipt by you or your counsel.
3. If any document is withheld under a claim of privilege, in order that the Court and the parties may determine the validity of the claim of privilege, please provide a privilege log identifying each document withheld, including:
 - a. The type of document;
 - b. The approximate date, and manner of recording, creating or otherwise preparing the document;
 - c. The subject matter of the document;

- 1 d. The name and organizational position of the person(s) who produced the
2 document;
- 3 e. The name and organizational position of the person(s) who received a copy
4 of the document, or to whom the document was disclosed; and
- 5 f. The claimed grounds on which the document is being withheld and facts
6 sufficient to show the basis for each claim of privilege.
- 7 4. If you object to any part of a request for documents and refuse to produce
8 documents responsive to that part, state your objection and respond to the remaining portion of
9 that request. If you object to the scope or time period of a request for documents, state your
10 objection and respond to the request for documents for the scope or time period you believe is
11 appropriate.
- 12 5. Please produce all documents in the order in which they are kept in the ordinary
13 course of business, and in their original file folders, binders, covers or containers or facsimile
14 thereof.
- 15 6. Any document bearing any changes, including, but not limited to, markings,
16 handwritten notation, or other differences that are not a part of the original text, or any
17 reproduction thereof, is to be considered a separate document for purposes of responding to the
18 following document requests. English translations or partial translations of foreign language
19 documents should also be considered separate documents.
- 20 7. If a requested document is in a language other than English, please produce both
21 the original and any existing English translation thereof.
- 22 8. If any of the following requests for documents cannot be responded to in full after
23 exercising due diligence to secure the requested documents, please so state and respond to the
24 extent possible, specifying your inability to respond to the remainder and stating whatever
25 information you have regarding, referring or relating to the unanswered portions. If your response
26 is qualified in any particular manner, set forth the details of such qualification.
- 27 9. Please produce both hard copies and electronic versions of electronic records and
28 produce computerized information in an intelligible format with a description of the system from

1 which it was derived sufficient to permit rendering the materials intelligible.

2 10. Unless otherwise indicated in the individual request, the time period covered by
3 these requests runs from February 1, 2011 to the date of your response.

4 II. DEFINITIONS

5 The definitions below are incorporated into each request for production.

6 A. The terms "Anser," "Defendant," "YOU" and "YOUR" mean, without limitation,
7 Anser Innovation LLC, and its past and present parents, subsidiaries, affiliates, predecessors,
8 unincorporated divisions and its directors, officers, attorneys, agents, representatives, employees,
9 consultants and all persons acting or purporting to act on its behalf.

10 B. The terms "Plaintiff" and "Petzila" mean, without limitation, Petzila, Inc., and its
11 past and present parents, subsidiaries, affiliates, predecessors, unincorporated divisions and all its
12 officers, employees, attorneys, agents, representatives, consultants, and all persons acting or
13 purporting to act on its behalf.

14 C. The term "subsidiary" means a business enterprise, the operations of which are
15 subject to Plaintiff's or Defendant's control through whole or partial stock ownership.

16 D. The term "affiliate" means a business enterprise effectively controlled by another,
17 but associated with Plaintiff or Defendant through whole or partial ownership.

18 E. The term "DOCUMENT" or "DOCUMENTS" is used herein as defined in Rule
19 34 of the Federal Rules of Civil Procedure and includes a writing, recording, photograph,
20 original or duplicate as defined by Federal Rules of Evidence 1001, and shall be used in its
21 broadest meaning of Rule 34 of the Federal Rules of Civil Procedure and shall include, but is not
22 limited to, any tangible things capable of storing information, including but not limited to the
23 following items, whether printed, typed or recorded or reproduced by hand or electronically,
24 magnetically, optically or in any graphic manner by any kind or nature however produced or
25 reproduced, whether sent or received or neither, whether within the actual or constructive
26 possession, custody, or control of any agent, employee, consultant, or any other PERSON acting
27 or purporting to act on YOUR behalf, including drafts and copies bearing notations or marks not
28 found on the original, and include, but are not limited to:

- all letters or other forms of correspondence or communication, including envelopes, notes, telefaxes, telegrams, cables, electronic mail messages, text messages, video messages, telex messages, and telephone messages (including reports, notes, notations and memorandum of or relating to any telephone conversations or conferences or personal interviews);
- all memoranda, laboratory notebooks, research reports, speeches, reports, financial statements or reports, appraisals, estimates, sales proposals, RFQ or RFP responses, notes, transcripts, tabulations, ledgers, studies, analyses, evaluations, projections, work papers of any type, corporate records or copies thereof, lists, comparisons, questionnaires, surveys, charts, graphs, maps, diagrams, summaries, tables, indexes, extracts, statistical records, compilations, reports and/or summaries of investigations, testing or analyses, marginal notations, desk calendars, appointment books, diaries, invoice receipts, shipping records, bills of lading, contracts, insurance policies;
- all books, manuscripts (whether submitted for publication or not), advertisements (whether submitted for publication or not), press releases, magazines, newspapers, booklets, brochures, sales support materials, training materials, pamphlets, circulars, bulletins, notices, speeches, instructions, manuals, and articles;
- all minutes, transcripts, notes, presentation material, and memoranda of meetings;
- all photographs, drawings, microfilms, tapes or other recordings, punch cards, magnetic tapes, magnetic disks, optical or magneto-optical disks, print-outs, and other data compilations from which information can be obtained, and any other information recorded in or on any medium whatsoever;
- all contracts, agreements, understandings, representations, warranties; and
- any and all drafts of the foregoing.

F. The term "PERSON" or "PERSONS" means any individual, firm, partnership, corporation, limited liability company, proprietorship, association, governmental body or any other organization.

1 G. The term “SALE” or “SALES” means advertised, offered for sale, sold or
2 transferred.

3 H. The term “communication” includes, without limitation, communications by
4 whatever means transmitted (i.e., whether oral, written, electronic or other methods), as well as
5 any note, memorandum or other record thereof.

6 I. The terms “relating to” and “concerning” mean reflecting, concerning, containing,
7 pertaining, referring, relating to, indicating, showing, describing, evidencing, discussing,
8 mentioning, embodying or computing.

9 J. The term “Complaint” means Petzila’s “First Amended Complaint for Declaratory
10 Judgment of Patent Noninfringement and Invalidity” filed on April 11, 2014.

11 K. Whenever the singular is used, it shall also be taken to include the plural, and vice
12 versa. Whenever the conjunctive is used, it shall also be taken to include the disjunctive, and vice
13 versa.

14 L. The term “the '152 patent” means United States Patent No. 7,878,152.

15 M. The term “PTO” means the United States Patent and Trademark Office.

16 N. The term “PetChatz” means the product described and sold on www.petchatz.com.

17 O. The term “Covered Products” means any and all products covered by one or more
18 claims of the '152 patent, including, but not limited to, PetChatz.

19 **III. REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

20 REQUEST FOR PRODUCTION NO. 1: All DOCUMENTS identified in paragraphs 4, 8,
21 10, 13, 14 and 16 of the Declaration of Lisa M. Lavin (Dkt. No. 14-5), to the extent that the
22 specified paragraphs are related to distribution and/or retail SALES.

23 REQUEST FOR PRODUCTION NO. 2: All DOCUMENTS related to distribution and/or
24 retail SALES.

25 REQUEST FOR PRODUCTION NO. 3: All DOCUMENTS related to distribution and/or
26 retail SALES with at least one reference to the '152 patent or to Covered Products, whether
27 express or implied.

28 REQUEST FOR PRODUCTION NO. 4: All DOCUMENTS discussing, referring to, or

1 relating to any oral communications, including but not limited to telephone conversations,
2 between Anser and any PERSON related to distribution and/or retail SALES.

3 REQUEST FOR PRODUCTION NO. 5: All DOCUMENTS related to distribution and/or
4 retail SALES with Tuffy's Pet Foods, Inc.

5 REQUEST FOR PRODUCTION NO. 6: All DOCUMENTS discussing, referring to, or
6 relating to any oral communications, including but not limited to telephone conversations,
7 between Anser and Tuffy's Pet Foods, Inc. related to distribution and/or retail SALES.

8 REQUEST FOR PRODUCTION NO. 7: All DOCUMENTS related to distribution and/or
9 retail SALES with PetCo Animal Supplies, Inc.

10 REQUEST FOR PRODUCTION NO. 8: All DOCUMENTS discussing, referring to, or
11 relating to any oral communications, including but not limited to telephone conversations,
12 between Anser and PetCo Animal Supplies, Inc. related to distribution and/or retail SALES.

13 REQUEST FOR PRODUCTION NO. 9: All DOCUMENTS related to distribution and/or
14 retail SALES with PetFood Express, Ltd.

15 REQUEST FOR PRODUCTION NO. 10: All DOCUMENTS discussing, referring to, or
16 relating to any oral communications, including but not limited to telephone conversations,
17 between Anser and PetFood Express, Ltd. related to distribution and/or retail SALES.

18 REQUEST FOR PRODUCTION NO. 11: All DOCUMENTS related to distribution
19 and/or retail SALES with any PERSONS attending the SuperZoo National Show for Pet Retailers.

20 REQUEST FOR PRODUCTION NO. 12: All DOCUMENTS discussing, referring to, or
21 relating to any oral communications, including but not limited to telephone conversations,
22 between Anser and any PERSONS attending the SuperZoo National Show for Pet Retailers
23 related to distribution and/or retail SALES.

24 REQUEST FOR PRODUCTION NO. 13: All DOCUMENTS sufficient to identify any
25 and all SALES representatives, retailers, distributors, and/or resellers for each of the Covered
26 Products.

27 REQUEST FOR PRODUCTION NO. 14: All DOCUMENTS collected from retailers
28 and/or distributors accessing <http://www.petchatz.com/store/retailers/account>.

1 REQUEST FOR PRODUCTION NO. 15: All DOCUMENTS related to PERSONS
2 registering on one or more Anser websites seeking to be retailers and/or distributors, including but
3 not limited to <http://www.petchatz.com/store/retailers/account>.

4 REQUEST FOR PRODUCTION NO. 16: All DOCUMENTS related to Anser's
5 marketing plans that discuss the use of distributors and/or retailers.

6 REQUEST FOR PRODUCTION NO. 17: All DOCUMENTS related to Anser's sales
7 forecasts identifying distributors and/or retailers.

8 REQUEST FOR PRODUCTION NO. 18: All DOCUMENTS related to meetings of the
9 board of directors concerning any discussions of distributors and/or retailers.

10 REQUEST FOR PRODUCTION NO. 19: All DOCUMENTS related to Anser's policies
11 for the retention or destruction of DOCUMENTS.

12 REQUEST FOR PRODUCTION NO. 20: All keys, codes, explanations, manuals, and
13 other DOCUMENTS necessary to the interpretation or understanding of the financial and
14 technical DOCUMENTS produced in response to these Requests for Production.

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16
17 Dated: June 6, 2014

THE GIKKAS LAW FIRM

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19 By: 

20 NICOLAS S. GIKKAS
21 Attorneys for Plaintiff
22 PETZILLA, INC. d/b/a PETZILA
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CERTIFICATE OF SERVICE

I, the undersigned counsel for Petzilla, Inc., do hereby certify that on this 6th day of June 2014, served **PLAINTIFF'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT ANSER INNOVATION LLC [NOS. 1-20]**, by causing a true and correct copy to be delivered via First Class U.S. Mail, addressed to the following attorney in this case:

Grant Fairbairn
Fredrikson & Byron, P.A.
Attorney
200 South Sixth Street
Suite 4000
Minneapolis, MN 55402



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